

### **REMARKS/ARGUMENTS**

Claims 1, 2, 3 and 5 have been amended and claim 4 has been canceled without prejudice or disclaimer. Claims 1, 2, 3 and 5 remain in the application. No new matter has been added. Reconsideration of this application is respectfully requested.

#### **Claim Rejection - 35 U.S.C. § 102:**

*Claims 1-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lilja, US Patent 5,844,983 or Helms, US Patent 5,666,426.*

Applicants have amended claims 1, 2, 3 and 5 to clarify the invention. No new matter is added. All the claims now include a limitation of a switch for coupling a microphone of a two-way radio to the controller when changes in the manual volume control are sensed, thus enabling monitoring of subsequent noise levels. Support for this amendment is found throughout the specification, for example on page 1, line 9, page 3, lines 19-24, page 4, lines 8- 14 and FIG. 2. Applicants assert that the claims, as amended, are not anticipated by the cited references. Claims 1-3 and 5, as amended are now in condition for allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge Deposit Account 502117, Motorola, Inc, with any fees which may be required in the prosecution of this application.

Respectfully submitted,

April 27, 2007

Motorola, Inc.  
8000 West Sunrise Boulevard  
Law Department – MD1610  
Plantation, Florida 33322  
Customer Number: 24273

By: /Barbara R. Doutre/  
Barbara R. Doutre  
Attorney of Record  
Reg. No.: 39,505  
Tel: 954-723-6449  
Fax: 954-723-3871  
E-Mail: [docketing.florida@motorola.com](mailto:docketing.florida@motorola.com)